

PUBLIC

AI Index: AMR 51/016/2004

UA 27/04

Death penalty / Legal concern

23 January 2004

USA (Florida) Johnny L. Robinson (m), black, aged 51

Johnny Robinson is scheduled to be executed in Florida on 4 February 2004. He was convicted in 1986 for the murder of a white woman, Beverly St George. Her body was found by police in St Johns County in northeast Florida on 12 August 1985. She had been shot twice in the head. Johnny Robinson, who was on parole for rape, and 16-year-old Clinton Bernard Fields were arrested.

Johnny Robinson told the police that he and Beverly St George had engaged in consensual sex. He claimed that he had shot her when his gun went off by accident after they got into an argument. He said that he then shot her again, stating "How do you tell someone I accidentally shot a white woman?" According to Robinson's current lawyers, Clinton Fields gave police an initial account that corroborated Robinson's version of events. However, at the trial Fields provided crucial testimony for the prosecution, testifying that Johnny Robinson had abducted Beverly St George at gunpoint, raped her, and shot her to prevent her identifying them. On 29 May 1986, the jury found Robinson guilty of capital murder. At the sentencing phase the next day, the jury voted for death by nine votes to three. On appeal, the Florida Supreme Court upheld the conviction, but overturned the death sentence. Clinton Fields refused to testify at the 1989 re-sentencing, but the judge allowed his trial testimony to be read to the jury. Johnny Robinson was again sentenced to death, this time by eight votes to four.

As well as being a child at the time of his arrest, Clinton Fields also had mental retardation and an IQ of 50. Such an individual will be particularly susceptible to police pressure. At a hearing on 19 January 2004, Clinton Fields recalled being shut in a holding cell after arrest, not being allowed to telephone his mother, and being promised that he could go home if he changed his story: "They told me that I was a liar that...they basically got all in my face and you know, like trying to, you know what I'm saying, bully me around." At the hearing, Clinton Fields said that his original statement to the police had been true, and that he had given false trial testimony after he had been promised a lesser prison sentence, possibly 10 years, in return for this testimony. In the event, he received a life sentence.

Race has been a central theme in this case. At his original trial, Johnny Robinson was tried before an all-white jury. At his re-sentencing, the jury consisted of 11 whites and one black. The Florida Supreme Court overturned Robinson's original sentence, in part due to the prosecutor's inappropriate reference to race at the sentencing hearing. The Court noted: "Racial prejudice has no place in our system of justice and has long been condemned by this court. Nonetheless, race discrimination is an undeniable fact of this nation's history...The situation presented here, involving a black man who is charged with kidnapping, raping, and murdering a white woman, is fertile soil for the seeds of racial prejudice. We find the risk that racial prejudice may have influenced the sentencing decision unacceptable." The court did not overturn the conviction. Yet at the guilt/innocence stage of the original trial, the prosecutor had said to the jury: "I would suggest if you accept Mr Robinson's version...not even James Bond could entice a lady at midnight on Interstate 95 out of her car, a white woman into the car with a black man...". At the hearing earlier this month, three local African American men, including two former St Johns County officials, testified that the prosecutor from Robinson's case has a reputation for racism.

Studies have consistently shown that race is an influencing factor in US death sentencing, particularly in relation to the race of victim. Blacks and whites are the victims of murder in almost equal numbers, but 80 per cent of the nearly 900 people executed in the USA since 1977 were convicted of crimes involving white victims. About one in five of the African Americans executed since 1977 had been convicted by all-white juries (see *USA: Death by discrimination, the continuing role of race in capital cases*, April 2003 <http://web.amnesty.org/library/Index/ENGAMR510462003>). In Johnny Robinson's case, his lawyers have

raised evidence of systemic racism in the local application of the death penalty. He was tried in St Johns County. Between 1976 and 1987, 33 white people and 25 black people were murdered in the county. Three people, including Johnny Robinson, received death sentences. All had been convicted of crimes against whites. Robinson's appeal lawyers also raised evidence that in the wider Seventh Judicial Circuit, within which St Johns is one of four counties, murders with white victims were about 13 times more likely to result in a death sentence than in cases where the victim was black, and a black who kills a white is over 35 times more likely to receive a death sentence than a black who kills a black. A study of Florida death sentences imposed between 1976 and 1987 found that, taking all variables into account, a defendant suspected of killing a white was almost three and a half times more likely to receive a death sentence than a defendant suspected of killing a black.

In common with many people on death row in the USA, Johnny Robinson comes from a background of abuse and poverty. According to evidence presented at the re-sentencing or on appeal, his childhood was marked by constant physical abuse. He was subjected to beatings with belts and switches, including when his hands were tied, and when being forced to squat for long periods with a broom handle between his legs. He was also subjected to sexual abuse. His grandfather was a farm labour contractor, and Johnny Robinson was forced to work in the fields by the age of 5 or 6 and allegedly would be beaten if he stopped picking the crops. At the age of 11 or 12, Johnny Robinson ran away from home and began living on the streets. He also lived at various migrant labour camps, during which time he was allegedly subjected to sexual abuse.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases. The US capital justice system is marked by arbitrariness, discrimination and error. Since 1977, more than 100 prisoners have been released from US death rows after evidence of their innocence emerged. Florida leads the country in such cases, with 23. There have been 892 executions in the USA since it resumed judicial killing in 1977. Florida accounts for 57 of these executions. Eighty-one per cent (46) of these Florida executions were of people convicted of crimes involving white victims. At least five of the 17 African Americans executed in Florida were, like Johnny Robinson, tried in front of all-white juries.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- expressing sympathy for the family and friends of Beverly St George, and explaining that you are not seeking to excuse her death or minimize the suffering it will have caused;
- expressing concern that Clinton Fields, who was a 16-year-old with mental retardation at the time of his arrest, now says that he was coerced into lying that the crime was a premeditated and aggravated offence;
- noting that even with this crucial testimony a total of seven jurors have voted for a life sentence in this case, and that in most states a single vote for life would result in a life sentence;
- expressing concern at the evidence of systemic racial bias in the application of the death penalty, including in the jurisdiction where Robinson was tried, and at the allegations of prosecutorial racism;
- calling on the governor to grant clemency.

APPEALS TO:

Governor Jeb Bush
Executive Office of the Governor, 400 S. Monroe Street
The Capitol, Tallahassee, Florida 32399-0001, USA

Fax: +1 850 487 0801

Salutation: Dear Governor

COPIES TO: Diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Appeals must arrive by 4 February 2004.